

REMARKS

Claims 4-11 remain in this application, while claims 1-3 are canceled. Reconsideration of the application is requested.

The objections set forth in sections 1 and 2 on pages 2-3 of the Office Action are overcome by the amendments set forth above.

Independent claim 4 is rejected under 35 U.S.C. § 102(b), along with dependent claims 5-11, as anticipated by U.S. Patent 5,361,736 to Phoenix et al. As the Phoenix et al. system fails to perform the “adjusting” acts or operations particularly required by claim 4, however, reconsideration is requested..

The variable valve timing system described in the Phoenix et al. patent is used to selectively provide longer and shorter valve opening times in a manner similar to that of the present invention. In order to provide such opening times, a variable eccentric 1 and a reaction member 3 of a differential gear are used in the manner discussed, for example, in column 2, lines 39 to 42 of the Phoenix et al. patent. The annulus of the Phoenix et al. differential 2 is in this case continuously connected with the camshaft. In order to produce different camshaft phases, a change in the eccentricity is required; this is apparent, for example, from Figures 8 and 10 and from lines 57-62 in column 4 of the Phoenix et al. patent. The Phoenix et al. system thus effects a valve-opening phase change by eccentricity adjustment that can take place at a user-defined time during internal combustion engine operation such that any change in a valve-opening phase is done only by way of eccentricity adjustment.

According to the present invention, by contrast, valve opening duration is changed by making two adjustments to the camshaft in opposing directions during valve operation. These features are reflected in claim 4 above, but are not performed during operation of the Phoenix et al. system. The Examiner's assertion in section 4 on page 3 of the Office Action that the Phoenix et al. system performs certain "adjusting" operations is noted. Nothing in column 3, lines 40-65, column 4, lines 63-65, or Figure 10 of the Phoenix et al. patent suggests that the particular adjusting acts or operations particularly defined by claim 4 are performed by the Phoenix et al. system.

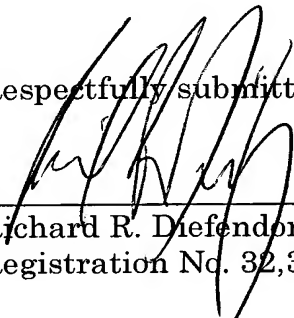
It is respectfully submitted that the rejection of independent claim 4 based on the Phoenix et al. patent should be withdrawn for reasons discussed above. The rest of the claims in this application are dependent claims, and the rejection of these claims based on the Phoenix et al. patent should be withdrawn as well.

This application should now be in condition for allowance. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.55976US).

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Respectfully submitted,



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